

MINUTES OF THE COMMISSION MEETING

Chairman Dustin Johnson called the meeting to order. Present were: Vice Chairman Gary Hanson; Commissioner Steve Kolbeck; Executive Director Patty Van Gerpen; Deputy Executive Director Heather Forney; Commission Attorneys Rolayne Wiest and John Smith; Staff Attorneys Karen Cremer and Kara Semmler; Staff Analysts Bob Knadle, and Ketih Senger; Consumer Affairs Supervisor Deb Gregg; and Administrative Secretary Demaris Axthelm.

Also present were: Brett Koenecke, May, Adam, Gerdes and Thompson, representing TransCanada Keystone Pipeline, LP; Rich Coit, South Dakota Telecommunication Association; Randy Houdek, Venture Communications Cooperative; and Darla Pollman Rogers, Rlter, Rogers, Wattier and Brown, representing Venture Communications Cooperative.

Joining the meeting by telephone were: Jason Smiley, Gunderson, Palmer, Goodsell and Nelson, representing Sprint Communications Company L.P.; Mary Sisak, Blooston, Mordkofsky, Dickens, Duffy and Pendergast, representing Swiftel Communications; Rod Tobin, Sigel, Barnet, Schutz, representing Web Water Development Assn. Inc.; and B.D.M. Rural Water System, Inc.

Administration

1. **Approval of the Minutes of the Commission Meeting Held on July 11, 2007 (Staff: Demaris Axthelm)**

Chairman Johnson moved to approve the Commission Minutes of July 11, 2007. Motion passed 3-0.

Consumer Reports

1. **Status Report on Consumer Utility Inquiries and Complaints Received by the Commission. (Consumer Affairs: Deb Gregg)**

Ms. Deb Gregg reported that the Commission had received a total of 73 contacts. Since the last report was prepared for the August 28, 2007, Commission meeting, 26 contacts involved telecommunications services; 18 contacts involved electricity issues; 4 contacts involved natural gas issues; 4 contacts involved cellular phone issues; 10 contacts involved Do Not Call Registry; and 11 contacts involved issues not regulated by the Public Utilities Commission. In 2007, 1,454 of the 1,678 complaints registered have been resolved informally. In 2006, 2,270 of the 2,466 complaints registered have been resolved informally.

Hydrocarbon Pipeline

1. **HP07-001 In the Matter of the Application of TransCanada Keystone Pipeline, LP for a Permit under the South Dakota Energy Conversion and Transmission Facility Act to Construct the Keystone Pipeline Project. (Staff Analysts: Martin Bettmann/Bob Knadle/Nathan Solem, Staff Attorney: Kara Semmler)**

Mr. John Smith stated that on August 23, a draft schedule and procedural order was circulated to the parties and a scheduling conference was then held on September 10, 2007, attended by Reed Rasmussen, Curt Hohn, Brett Koenecke, Kara Semmler and John Smith. The parties reached agreement on a procedural schedule as follows: September 21, 2007 - Applicant's Direct Testimony filed and served; October 31, 2007 - Intervenors' and Staff's Direct testimony filed and served; November 14, 2007 - Applicant's Rebuttal Testimony filed and served; November 28, 2007 - Intervenors' and Staff's Surrebuttal Testimony filed and served; December 3-14, 2007 - Evidentiary hearing, Rm. 412, State Capitol Bldg., Pierre, SD at 9:30 a.m. on December 3 and 10; following the Commission meeting on December 4; and at 8:30 a.m. all other days; and December 6, 2007 - Public Input Hearing, Rm. 412 State Capitol Bldg., Pierre, SD from 7:00 p.m. – 11:00 p.m. Mr. Smith then stated that the issue of electronic service had been discussed among the participating parties and that the parties agreed electronic service should be used where possible to provide as much time as possible for review and response, but that parties should be able to request paper copies of documents that were problematic to receive or reproduce in electronic form.

Commissioner Kolbeck moved to approve the scheduling and procedural order, including use of electronic service as outlined by Commission Counsel. Motion passed 3-0.

Telecommunications

1. **TC06-181 In the Matter of the Petition of Venture Communications Cooperative for Suspension or Modification of Local Dialing Parity Reciprocal Compensation Obligations (Staff Analyst: Harlan Best, Staff Attorney: Kara Semmler)**

Ms. Darla Rogers, representing Venture Communications Cooperative (Venture), asked the Commission to delay the ruling on the joint motion and to consider the Joint Motion for Transfer along with Venture's Motion to Strike and Motion in Limine. Mr. Jason Smiley, representing Alltel, informed the Commission that Alltel would like to proceed with a hearing date. Mr. Rich Coit, South Dakota Telecommunication Association (SDTA) stated that he understood the concerns of Venture with respect to its Motion to Strike. Ms. Wiest stated that the Commission could not rule on the Motion to Strike prior to the Joint Motion for Transfer but stated that the matter could be deferred in order to give the parties additional time to try and work out their differences.

Chairman Johnson moved that no action be taken in Docket TC06-181. Motion passed 3-0.

2. **TC06-191 In the Matter of EchoStar Satellite LLC Owning the Trademark Dish Network, Echosphere, LLC's Failure to Register as a Telemarketers and the Solicitations they made to those Registered on the Do Not Call List. (Staff Attorney: Kara Semmler)**

Ms. Kara Semmler stated that on August 30, 2007 the parties filed a joint motion for delay. Staff and EchoStar have entered into discussions concerning a potential solution and will come back to the Commission if the parties cannot come to an agreement.

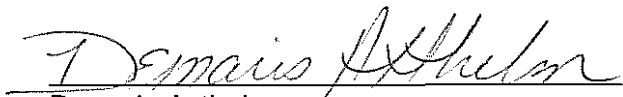
Commissioner Kolbeck moved to grant the Joint Motion for delay in Docket TC06-191. Motion passed 3-0.

3. TC07-083 In the Matter of the Application of Global Capacity Group, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services and Local Exchange Services in South Dakota. (Staff Analyst: Brian Rounds, Staff Attorney: Karen Cremer)

Ms. Karen Cremer stated that on July 3, 2007, Global Capacity Group, Inc. ("Global Capacity") filed an application for a certificate of authority to provide resold and facilities-based/UNE local exchange and interexchange services. Global Capacity intends to provide resold local exchange and interexchange service and to provide local services utilizing unbundled network elements (UNE) or UNE replacement through a commercial agreement with Qwest. Ms. Cremer further stated that Global Capacity requested a waiver from ARSD 20:10:24:02(8) and 20:10:32:03(11). Global Capacity agreed to restrictions from offering any prepaid services and from collecting customer's deposits or advanced payments. Staff recommended that the Commission grant interexchange and local exchange authority to Global Capacity, subject to restrictions from accepting deposits or advance payments and from offering prepaid services and to comply with rural safeguards and approval of the waiver requests.

Chairman Johnson moved to grant a Certificate of Authority to Global Capacity Group and the requested waivers, subject to restrictions from offering any prepaid services and collecting customer deposits or advanced payments and rural safeguards. Motion passed 3-0.

There being no further business, at the hour of 10:10 am the South Dakota Public Utilities Commission Meeting adjourned.



Demaris Axthelm
Administrative Secretary